

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

TYRONE B. HUTCHINS,
Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS; *et al*,
Defendants.

3:10-cv-00369-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#93¹) entered on November 27, 2013, recommending granting in part and denying in part Defendants' Motion for Summary Judgment (#73) filed on March 13, 2013. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#93) entered on November 27, 2013, should be adopted and accepted.

¹Refers to court's docket number.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#93)
2 entered on November 27, 2013, is adopted and accepted, and Defendants' Motion for Summary
3 Judgment (#73) is **GRANTED in part and DENIED in part** as follows:

4 (1) Summary judgment is GRANTED in favor of defendants Everett, Cox, Skolnik, Helling,
5 Benedetti, Bannister and McDaniel;

6 (2) Summary judgment is DENIED as to defendants Dr. Gedney and Brooks;

7 (3) Summary judgment is GRANTED to the extent Plaintiff seeks to recover monetary
8 damages against the remaining defendants in their official capacities;

9 (4) The request of defendants Everett, Cox, Skolnik, Helling, Benedetti, Bannister and
10 McDaniel for qualified immunity is DENIED as moot; and

11 (5) The request of defendants Dr. Gedney and Brooks for qualified immunity is DENIED
12 because of the existence of factual issues which preclude a determination of qualified
13 immunity at this time.

14 IT IS FURTHER ORDERED that this case is referred to the Honorable Valerie P. Cooke for
15 the purpose of conducting a settlement conference.

16 IT IS FURTHER ORDERED that, if settlement is unsuccessful, the remaining parties shall
17 submit their proposed joint pretrial order pursuant to Local Court Rules 16-3 and 16-4 within forty-five
18 (45) days of the unsuccessful settlement conference.

19 IT IS SO ORDERED.

20 DATED this 22nd day of January, 2014.

21
22 
23 LARRY R. HICKS
24 UNITED STATES DISTRICT JUDGE
25
26